

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID WAYNE THOMAS,

Plaintiff,

Case No. 13-10579

v.

Honorable Patrick J. Duggan

COMMISSIONER OF  
SOCIAL SECURITY,

Magistrate Judge Michael Hluchaniuk

Defendant.

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**OPINION AND ORDER**

On February 11, 2013, Plaintiff David Wayne Thomas filed this lawsuit challenging a final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability benefits. (ECF No. 1.) Two days later, on February 13, 2013, this Court referred the lawsuit to Magistrate Judge Michael Hluchaniuk for all pretrial matters proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 2.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 8, 12.) On February 17, 2014, Magistrate Judge Hluchaniuk issued an R&R recommending

that this Court grant Defendant's motion and deny Plaintiff's motion. (ECF No. 15.)

In the R&R, Magistrate Judge Hluchaniuk thoroughly analyzes the arguments set forth by both parties in their respective motions for summary judgment and ultimately concludes that there was substantial evidence in the record to support the Administrative Law Judge's determination that Plaintiff was not under a "disability" as that term is used in the Social Security Act. (R&R 23, 30-32.) At the conclusion of the R&R, Magistrate Judge Hluchaniuk advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 32.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* at 32-33.) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Hluchaniuk. The Court therefore adopts Magistrate Judge Hluchaniuk's February 17, 2014 Report and Recommendation.

Accordingly,

**IT IS ORDERED** that Plaintiff's motion for summary judgment is **DENIED**;

**IT IS FURTHER ORDERED** that Defendant's motion for summary judgment is **GRANTED**.

Dated: March 13, 2014

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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**Allen Duarte, Esq.**  
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**Magistrate Judge Michael Hluchaniuk**